

TENNESSEE REGULATORY AUTHORITY

Melvin Malone, Chairman
Lynn Greer, Director
Sara Kyle, Director



460 James Robertson Parkway
Nashville, Tennessee 37243-0505

January 7, 2000

VIA FACSIMILE

Mr. Charles L. Howorth, Jr.
Regulatory Vice President
BellSouth Telecommunications, Inc.
333 Commerce Street
Nashville, TN 37201-3300

Re: BellSouth Promotional Filing Docket No. 99-00936 *

Dear Mr. Howorth:

During a conversation with Guy Hicks on Tuesday, January 4, 2000, he informed me that BellSouth had proceeded to put the above referenced "promotion" into effect. Further, it is my understanding from talking with Mr. Hicks yesterday that BellSouth considers that this promotion has been effective since December 6, 1999.

Executive Secretary David Waddell's letter of December 10, 1999 did not render a decision on the termination provisions in BellSouth's Notice, contrary to what your letter of December 15, 1999 suggests. Rather, Mr. Waddell's letter stated that because the "promotion" contained certain termination provisions, it required additional study and should be presented to the Directors for consideration under the same notice requirements applicable to Tariffs.¹ For this reason, the "promotion" was not deemed effective and was returned to BellSouth for filing in compliance with Authority rules. In returning this filing to BellSouth, Mr. Waddell acted in accordance with his statutory duties as set forth in Tenn. Code Ann. § 65-1-209.

To date, there has been no action by the Authority which rendered the Executive Secretary's letter inoperative. Mr. Waddell's letter requested that BellSouth present the filing as a tariff so that it could be considered by the Directors. The information I received from Mr. Hicks indicates that BellSouth chose to ignore Mr. Waddell's instructions. As such, BellSouth has acted at its own peril by proceeding to put the

¹ There may be other issues attendant with this filing but given the limited nature of the filing and the time constraints additional issues were not addressed in Mr. Waddell's letter.

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“promotion” into effect without approval by the Directors. BellSouth’s action of proceeding in direct contravention to instructions from the Authority will be discussed by the Directors under Miscellaneous Business at the January 11, 2000 Authority Conference.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me at (615) 741-2904 ext. 170.

Very truly yours,

A handwritten signature in cursive script that reads "Richard Collier".

Richard Collier, General Counsel
Tennessee Regulatory Authority

cc: K. David Waddell, Executive Secretary